

SELF SERVICE CENTER

PROCEDURES: GOING TO COURT FOR A DEFAULT HEARING

General Information: Make sure you have the right papers by following the instructions in this packet. Be prepared to answer a few questions about your case.
Remember, it is always a good idea to talk to a lawyer before you file any court papers, or go to any court hearing.

Getting Your Case Completed: Before your case is completed, a judge must sign your Decree/Order/Judgment. The Decree/Order/Judgment is the court paper that legally ends your court case. It states the rights, duties, and responsibilities of the parties. **If you do not obey the Court Order**, the other party can request a **"Contempt Order"** or an **"Order to Enforce"** parts of the Order. If you or the other party does not obey the Court Order, the disobedient party could be in serious trouble.

What is a Default? Default means that the party served with the court papers did **not** disagree with the information in the court papers and did not file a written timely **"Response or Answer."** The party who filed the Petition/Complaint is the party who comes to the default hearing.

Going to the Default Hearing: You must bring the Decree/Order/Judgment and any other necessary papers to your default hearing. If you have completely and correctly filled out the papers, and taken all the other correct steps, the Judge will usually sign the Decree/Order/Judgment.

STEP 1: COMPLETE PACKET 4 which tells you how to get a Decree/Order/Judgment. This packet is available at the Self-Service Center.

STEP 2: COPIES AND PACKETS. Find your type of case in the box below. Then, follow the instructions for copying very carefully. **DO NOT COPY THE ENTIRE PACKET. MAKE 3 COPIES OF THE FOLLOWING PAPERS:**

Paternity / Custody / Visitation / Child Support or Grandparent Visitation Cases:

1. **"Order for Paternity, Custody, Visitation, Child Support or Grandparent Visitation."** (This is the only document you need to copy for Grandparent visitation cases.)
2. **"Parenting Plan"** signed by you or both parties, and/or **"Joint Custody Agreement"** signed by both parties (for paternity and establishment of child custody, visitation and/or support cases only)
3. **"Parent's Worksheet for Child Support"** (only if child support is involved)
4. **"Child Support Order"** (only if child support is involved.) (This form is not necessary if you are using the Self-Service Center **"Order for Paternity, Custody, Visitation, or Child Support."**)
5. **"Order of Assignment"** (only if child support is involved.)
6. **"Judgment Data Sheet"** (only if support is involved.)

Divorce / Legal Separation / Annulment Cases:

1. Divorce/Legal Separation/Annulment Decree.
2. Agreement regarding division of community property and debt signed by **both** parties (if applicable).
3. **"Parenting Plan"** signed by you or both parties, and/or **"Joint Custody Agreement"** signed by both parties (if your case involves children).
4. **"Parent's Worksheet for Child Support"** (if your divorce involves children).
5. **"Child Support Order"** (if your divorce involves children). (This form is not necessary if you are using the Self-Service Center Order for Paternity, Custody, Visitation, or Child Support.)
6. **"Order of Assignment"** (if your case involves child support or spousal maintenance/support).
7. **"Judgment Data Sheet"** (if your case involves child support or spousal maintenance/support).

STEP 3: ASSEMBLE THE DOCUMENTS

1. Attach one copy of the documents listed in Step 2 to the **ORIGINAL** decree/order/judgment. You should give this set of documents to the judge at your hearing.
2. Attach one copy of the documents listed in Step 2 to a **COPY** of the decree/order/judgment. This is your set of documents.
3. Attach one copy of the documents listed in Step 2 to a **COPY** of the decree/order/judgment. Mail this set of documents to the other party.
4. After the judge signs your decree/order/judgment, you must mail it and all of the documents listed in Step 2 to the other party.

STEP 4: PREPARE FOR THE COURT HEARING

1. **Dress properly.** Wear a suit, dress, or other neat, clean clothing. **DO NOT** wear cutoffs, sleeveless T-shirts or other very casual clothing.
2. **DO NOT** bring food or drinks. **DO NOT** chew gum in the courtroom.
3. **DO NOT** bring your children with you to court.
4. **Review your Decree/Order/Judgment.** This will help you answer any questions the judge may ask you. Make sure that your Decree/Order/Judgment does **not** ask for anything different from what you asked for in your Petition/Complaint.

STEP 5: OTHER THINGS TO KNOW ABOUT

1. **Publication.** If you served the other party by publication, you must pay a court reporter's fee of \$20 (cash) at the hearing, unless the fee has been deferred.
2. **Joint Custody.** If you ask for joint custody, both parties must have attended the Parent Information Program class. All judges require both parties to sign the joint custody agreement.
3. **Response.** If the other party filed a Response more than 10 court days after you filed the Application for Entry of Default, you must give the other party WRITTEN notice of the date, time, and place of the default hearing AT LEAST 3 COURT DAYS before the hearing by sending the other party a Notice of Hearing. The original Notice must be filed with the court.

STEP 6: GOING TO THE DEFAULT HEARING

1. **Be early.** Be at the courtroom where your hearing is being held at least 10-15 minutes before your hearing time. Wait quietly in the courtroom until your name is called.

2. Children are not permitted in the courtroom.
3. Stand when your name is called and walk toward the "bench" where the judge is seated. Court staff will ask you to take an oath. You will raise your right hand and swear to tell the truth. Lying in court is called perjury and can have serious consequences.
4. Sit in the Witness chair located next to the judge.
5. Call the judge "your honor."
6. Hand the judge the Original papers listed in Step 2 above. Before you hand the judge the papers, ask the judge this question: "May I hand you my court papers?"
7. Do not reach over the desk to take anything from the judge or give anything to the judge, unless the judge says you can do that.

STEP 7: ANSWER THE JUDGE'S QUESTIONS

Be prepared to answer the judge's questions. Here are some typical questions:

- A. What is your name and address?
- B. Is the relief you are asking for today the same as what you asked for in the Petition/Complaint? (Your answer should be "yes" because you cannot change anything from the Petition unless you have written consent from the other party and have filed the consent with the court.)
- C. How did you serve the other party, and when was he or she served? (You should know what type of service was used: publication, service by the Sheriff, service by a registered process server, or acceptance of service.)
 1. If you served the other party by publication, the judge will ask:
 - a. What steps did you use to try to find the other party?
 - b. Whom did you talk to about how to find the other party?
 - c. What was the last date you saw the other party, received a letter or phone call from the other party?

Questions for Divorce / Legal Separation / Annulment Cases Only

- A. How long have you lived in Arizona? Did you or your spouse live in Arizona or was either of you a member of the Armed Forces and stationed in Arizona at least 90 days before the Petition was filed?
- B. What is the date of marriage and where were you married?
- C. Is your marriage irretrievably broken? Do you think your marriage can be reconciled? (This means: is there any reasonable chance that you can continue with the marriage?)
- D. Are you aware of Conciliation Services? (Conciliation Services is a service of the court that provides free counseling to you and your spouse.) If you were not aware of the services, the judge may describe these services to you and send you to Conciliation Services.
- E. Do you want your former name restored? (Your former name will be restored, if you answer "yes" to this question.)
- F. What property and debts do you have from the marriage? (Describe your property and debts listed in your Petition and Decree.)
- G. How have you divided the property and debts? (Explain what you have asked for and put in the Decree.)
- H. Do you think the division of property and debts is fair?

Questions for Divorce / Legal Separation / Annulment and Paternity / Custody / Visitation and Support Cases

A. The following questions may be asked if you have children:

1. How many children do you have and what are their ages?
2. Are you requesting custody of your minor children?
3. What type of visitation do you want the other party to have?
4. Are there any expected problems with visitation? (If you have requested supervised visitation or no visitation, you should be prepared to tell the judge why. For example, you should tell the judge if there has been domestic violence, child abuse, or if the other party has a drug or alcohol problem.)
5. Do you think the portions of the Decree/Order/Judgment dealing with custody and visitation are fair?
6. Who will provide medical insurance for the children? (Generally, this should be the parent who has insurance available through his or her employer at the most affordable cost. If no insurance is available and the children are on AHCCCS, you can tell the judge this.)
7. Can the other party pay child support?
8. Is your spouse/other parent employed? How much does your spouse/other parent earn? (The amount he or she earns should be on the ***"Parent's Worksheet for Child Support Amount"***.)

STEP 8: WHAT TO DO AFTER THE COURT HEARING IF THE JUDGE SIGNED YOUR DECREE/ORDER/JUDGMENT

1. After the judge signs the decree/order/judgment, you must mail it, and all related documents that become part of it, to the other party.
2. If you have an Atlas Number, or if DES (DCSE) is involved in your case, you will need to mail a copy of the Completed ***"Parent's Worksheet for Child Support Amount"*** to: Child Support Enforcement, Attn. Attorney General Department, P.O. Box 40458, Phoenix, Arizona 85067